

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Anthony Pauling,	)	C/A No. 0:11-842-JFA-JRM
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
Michael Roseboro, official and individual	)	
capacity; Herman Young, official and	)	
individual capacity; Honorable William F.	)	
Pope, official and individual capacity,	)	
	)	
Defendants.	)	
_____	)	

The *pro se* plaintiff, Anthony, brings this action pursuant to 42 U.S.C. § 1983 wherein he claims that he was denied, among various constitutional rights, his due process and was falsely incarcerated when defendants Roseboro and Pope falsified evidence to obtain a warrant for plaintiff's arrest.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that this court should summarily dismiss defendant Judge William F. Pope. Specifically, the Magistrate Judge opines that absolute immunity bars this action against Defendant Pope, who is a judicial officer. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation, and has done so. The court has reviewed the plaintiff's objections and finds them cumulative of those claims made in his original complaint. As such, they are overruled.

After a careful review of the record, the applicable law, the Report and Recommendation, and the objections thereto, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, defendant Judge William F. Pope is dismissed from this action without prejudice and without issuance and service of process. The Clerk shall return this file to the Magistrate Judge who has authorized service on the remaining defendants.

IT IS SO ORDERED.

November 16, 2011  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge